REMARKS

Claims 1-24 are pending in this application. Claims 1-24 stand rejected. By this Amendment, claims 1, 4, 7, 10, 13, 16, 19, and 22 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Claims 1-9, 13, 14, and 16-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over ISO/IEC 11172-3 (prior art) in view of "A Fast Audio Classification from MPEG Coded Data" ("Nakajima"). Applicant respectfully requests reconsideration and withdrawal of this rejection.

Among the limitations of Applicant's independent claims not present in the cited art is that the feature detection process section outputs a parameter indicating a soundless interval when the signal level is below a threshold for a set time. This feature is not disclosed in the prior art or in Nakajima.

According to the present invention, the claimed feature detection processing section determines whether or not signal levels acquired at the signal-calculating section are less than or more than a predetermined threshold value. This feature detection process regards the sound signal interval and outputs a parameter as a sound signal interval. When the signal levels are less than the threshold value for a given time, the feature detection processing section regards the interval with a soundless signal interval and outputs a parameter of the soundless signal interval. This feature detection is not disclosed in Nakajima.

13

In Nakajima, MPEG compression is used to compress the audio stream. Three modules are used, the subfiltering module, a psychoacoustic valuation model, and a bit allocation and frame packing module. The subband filtering module resolves each audio signal into spatial components or subbands of 32 equal width subbands. Each of these subbands is then sampled. For each 32 data samples, one outputter(?) is for each of the 32 subbands. Next, acoustically irrelevant parts of the audio signal are removed. One psychoacoustic valuation per frame of audio data is produced. The audio data is masked used this evaluation which is then passed onto the encoder for bit allocation. In the bit allocation and frame packing module, a noise masking threshold is utilized or bit allocation for each of the audio frames in a subband. Each subband gets a different bit allocation depending on the noise masking threshold. However, at no time does Nakajima disclose outputting a parameter indicating a soundless interval when the signal level is below a threshold for a set time period. As such, Nakajima fails to disclose the efficiency in the prior art noted in the Office Action. Thus, all of Applicant's independent claims are allowable over the cited combination.

All of the remaining claims depend from and include all of the limitations of the allowable independent claims. Further, Applicant notes that the Examiner asserts that using a decoder for the purpose of decoding data encoding according to the ISO/IEC 11172-3 was well known. Applicant did not traverse this assertion in the prior response because Applicant argued other features in the claims. However, Applicant respectfully submits that that feature is not one which is proper for official notice as it is not an irrefutable fact. Therefore, Applicant respectfully requests a reference or Examiner's Affidavit as to the prevalence of the feature for which the Examiner is taking official notice.
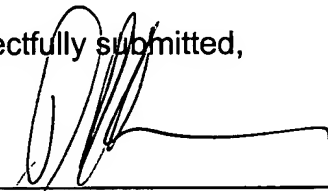
Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

14

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: June 21, 2006

Respectfully submitted,

By_____

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